



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 237

2 AMENDMENT NO. _____. Amend Senate Bill 237 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Findings and purposes.

5 (a) The General Assembly finds all of the following:

6 (1) Research suggests that school expulsion and
7 suspension practices are associated with negative
8 educational, health, and developmental outcomes for
9 children.

10 (2) Recent studies have shown that the expulsion of
11 children in early care and educational settings is
12 occurring at alarmingly high rates, in particular among
13 certain racial and gender groups. A nationwide study on
14 preschool expulsion found that preschoolers were expelled
15 at more than 3 times the rate of kindergarten through
16 twelfth grade students.

17 (3) Recent data from the federal Department of

1 Education indicate that there are significant racial and
2 gender disparities within this trend. African American
3 boys make up 18% of preschool enrollment but 48% of
4 preschoolers suspended more than once. Other research
5 shows that while Hispanic and African American boys
6 combined represent 46% of all boys in preschool, these
7 children represent 66% of preschool boys suspended. Boys
8 make up 79% of preschoolers suspended once and 82% of
9 preschoolers suspended multiple times.

10 (4) A study completed in 2005 analyzing expulsion rates
11 among states indicated that while this State reported the
12 sixth-lowest expulsion rate of the 40 states surveyed,
13 pre-kindergartners were expelled at a rate 3 times that of
14 their older peers. A study conducted in 2002 in Chicago
15 showed a high rate of expulsion, particularly in
16 infant-toddler programs, with over 40% of child care
17 programs asking a child to leave because of
18 social-emotional and behavioral problems, with the most
19 challenging behaviors being biting, hitting, and
20 aggressive behavior.

21 (5) This State has recently improved expulsion and
22 suspension practices in grades kindergarten through 12
23 through Public Act 99-456, and the federal government has
24 imposed new expulsion and suspension policy requirements
25 on some federally funded early childhood programs. These
26 protections are important but do not cover all children in

1 Illinois early learning programs.

2 (6) Access to infant and early childhood mental health
3 consultants and positive behavior intervention and support
4 have been shown to reduce and prevent expulsion and
5 suspension in early care and education programs. Early
6 childhood professionals also need training, technical
7 assistance, and professional development support to ensure
8 they are able to respond to the social-emotional needs of
9 young children and to ensure successful student
10 participation in programs.

11 (7) Nationally and in this State, insufficient data
12 collection hinders the ability to gauge the prevalence of
13 expulsion or suspension among children prior to school
14 entry from a range of early learning programs.

15 (b) The purpose of this Act is to:

16 (1) severely limit the expulsion and suspension of
17 young children in early care and education settings,
18 preventing it whenever possible;

19 (2) ensure that early childhood professionals have the
20 resources needed to support children's social and
21 emotional health and address challenging behaviors; and

22 (3) develop systems to track expulsion and suspension.

23 Section 5. The School Code is amended by changing Sections
24 2-3.71, 2-3.71a, and 10-22.6 as follows:

1 (105 ILCS 5/2-3.71) (from Ch. 122, par. 2-3.71)

2 Sec. 2-3.71. Grants for preschool educational programs.

3 (a) Preschool program.

4 (1) The State Board of Education shall implement and
5 administer a grant program under the provisions of this
6 subsection which shall consist of grants to public school
7 districts and other eligible entities, as defined by the
8 State Board of Education, to conduct voluntary preschool
9 educational programs for children ages 3 to 5 which include
10 a parent education component. A public school district
11 which receives grants under this subsection may
12 subcontract with other entities that are eligible to
13 conduct a preschool educational program. These grants must
14 be used to supplement, not supplant, funds received from
15 any other source.

16 (2) (Blank).

17 (3) Any teacher of preschool children in the program
18 authorized by this subsection shall hold an early childhood
19 teaching certificate.

20 (4) (Blank).

21 (4.5) The State Board of Education shall provide the
22 primary source of funding through appropriations for the
23 program. Such funds shall be distributed to achieve a goal
24 of "Preschool for All Children" for the benefit of all
25 children whose families choose to participate in the
26 program. Based on available appropriations, newly funded

1 programs shall be selected through a process giving first
2 priority to qualified programs serving primarily at-risk
3 children and second priority to qualified programs serving
4 primarily children with a family income of less than 4
5 times the poverty guidelines updated periodically in the
6 Federal Register by the U.S. Department of Health and Human
7 Services under the authority of 42 U.S.C. 9902(2). For
8 purposes of this paragraph (4.5), at-risk children are
9 those who because of their home and community environment
10 are subject to such language, cultural, economic and like
11 disadvantages to cause them to have been determined as a
12 result of screening procedures to be at risk of academic
13 failure. Such screening procedures shall be based on
14 criteria established by the State Board of Education.

15 Except as otherwise provided in this paragraph (4.5),
16 grantees under the program must enter into a memorandum of
17 understanding with the appropriate local Head Start
18 agency. This memorandum must be entered into no later than
19 3 months after the award of a grantee's grant under the
20 program, except that, in the case of the 2009-2010 program
21 year, the memorandum must be entered into no later than the
22 deadline set by the State Board of Education for
23 applications to participate in the program in fiscal year
24 2011, and must address collaboration between the grantee's
25 program and the local Head Start agency on certain issues,
26 which shall include without limitation the following:

1 (A) educational activities, curricular objectives,
2 and instruction;

3 (B) public information dissemination and access to
4 programs for families contacting programs;

5 (C) service areas;

6 (D) selection priorities for eligible children to
7 be served by programs;

8 (E) maximizing the impact of federal and State
9 funding to benefit young children;

10 (F) staff training, including opportunities for
11 joint staff training;

12 (G) technical assistance;

13 (H) communication and parent outreach for smooth
14 transitions to kindergarten;

15 (I) provision and use of facilities,
16 transportation, and other program elements;

17 (J) facilitating each program's fulfillment of its
18 statutory and regulatory requirements;

19 (K) improving local planning and collaboration;
20 and

21 (L) providing comprehensive services for the
22 neediest Illinois children and families.

23 If the appropriate local Head Start agency is unable or
24 unwilling to enter into a memorandum of understanding as
25 required under this paragraph (4.5), the memorandum of
26 understanding requirement shall not apply and the grantee

1 under the program must notify the State Board of Education
2 in writing of the Head Start agency's inability or
3 unwillingness. The State Board of Education shall compile
4 all such written notices and make them available to the
5 public.

6 (5) The State Board of Education shall develop and
7 provide evaluation tools, including tests, that school
8 districts and other eligible entities may use to evaluate
9 children for school readiness prior to age 5. The State
10 Board of Education shall require school districts and other
11 eligible entities to obtain consent from the parents or
12 guardians of children before any evaluations are
13 conducted. The State Board of Education shall encourage
14 local school districts and other eligible entities to
15 evaluate the population of preschool children in their
16 communities and provide preschool programs, pursuant to
17 this subsection, where appropriate.

18 (6) The State Board of Education shall report to the
19 General Assembly by November 1, 2010 and every 3 years
20 thereafter on the results and progress of students who were
21 enrolled in preschool educational programs, including an
22 assessment of which programs have been most successful in
23 promoting academic excellence and alleviating academic
24 failure. The State Board of Education shall assess the
25 academic progress of all students who have been enrolled in
26 preschool educational programs.

1 On or before November 1 of each fiscal year in which
2 the General Assembly provides funding for new programs
3 under paragraph (4.5) of this Section, the State Board of
4 Education shall report to the General Assembly on what
5 percentage of new funding was provided to programs serving
6 primarily at-risk children, what percentage of new funding
7 was provided to programs serving primarily children with a
8 family income of less than 4 times the federal poverty
9 level, and what percentage of new funding was provided to
10 other programs.

11 (7) Grantees receiving State funds under this
12 subsection (a) for preschool educational programs shall
13 prohibit expulsions and suspensions of children from birth
14 through preschool due to evidence that these practices are
15 linked to poor child outcomes and are employed
16 inconsistently across racial and gender groups. The goal of
17 any disciplinary action by the grantee shall always be the
18 well-being of the child and classroom. Planned transitions
19 to settings able to better meet a child's needs are not
20 considered expulsion under this paragraph (7). The grantee
21 shall take documented steps to ensure that a child who
22 exhibits persistent and serious challenging behaviors can
23 participate safely in the program. Documentation must
24 include observations of initial and ongoing challenging
25 behaviors, strategies for remediation and intervention
26 plans to address the behaviors, and communication with and

1 participation of the family in such planning and
2 decision-making.

3 (A) Before transitioning a child due to persistent
4 and serious challenging behaviors, the grantee shall
5 utilize a range of community resources, such as access
6 to developmental screenings, referrals to programs and
7 services administered by a local educational agency
8 under Parts B and C of the federal Individuals with
9 Disabilities Education Act, and consultation with an
10 infant and early childhood mental health professional
11 and the child's health care provider.

12 (B) When there is documented evidence that all
13 available interventions and supports recommended by a
14 qualified professional have been exhausted and it has
15 been determined that transitioning a child to another
16 program is necessary for the well-being of the child or
17 his or her peers, with parental permission, both the
18 current and pending programs shall create a transition
19 plan designed to ensure continuity of services and the
20 comprehensive development of the child. Families must
21 be engaged at all levels of the process, and
22 communication shall occur in a culturally and
23 linguistically competent manner.

24 (C) Temporary suspension measures may be used only
25 as a last resort in extraordinary circumstances when
26 there is a determination of a serious safety threat,

1 based on actual risks and objective evidence, that
2 cannot otherwise be reduced or eliminated by the
3 provision of reasonable program modifications. Any
4 temporary suspension shall trigger the use of
5 community resources as detailed in subdivision (A) of
6 this paragraph (7).

7 (D) Exclusionary discipline practices resulting
8 from a child's behavior that removes the child from
9 activities must be documented and rarely used.

10 (E) Nothing in this paragraph (7) shall preclude a
11 parent's right to voluntarily withdraw his or her child
12 from an early learning program. Grantees shall request
13 a written statement from the parent stating the reason
14 for his or her decision to withdraw his or her child.

15 (F) Grantees may utilize and State agencies shall
16 make available training, technical support, and
17 professional development resources to improve the
18 ability of teachers, administrators, program
19 directors, and other staff to promote social-emotional
20 development and behavioral health, address challenging
21 behaviors, and understand trauma and trauma-informed
22 care, cultural competence, family engagement with
23 diverse populations, the impact of inherent bias, and
24 the use of reflective practice techniques. Support
25 shall include the availability of resources to
26 contract with an infant and early childhood mental

1 health consultant.

2 (G) Programs shall annually report to the State
3 agency or agencies from which they receive early
4 childhood funding all of the following data for
5 children ages 0 to 5 who are served by the program:

6 (i) Number of planned transitions to another
7 program due to child behavior, by child's race,
8 gender, disability, and language, as well as by
9 teacher/provider, class group/size, teacher-child
10 ratio, length of day in the program, and
11 teacher-child racial/linguistic match.

12 (ii) Number of temporary suspensions due to
13 extraordinary circumstances under subdivision (C)
14 of this paragraph (7), by child's race, gender,
15 disability, and language, as well as by
16 teacher/provider, class group/size, teacher-child
17 ratio, length of day in the program, and
18 teacher-child racial/linguistic match.

19 (iii) Number of children leaving the program
20 and the reasons for leaving.

21 (iv) Number and types of exclusionary
22 practices used by the program due to child
23 behavior, by child's race, gender, disability, and
24 language, as well as by teacher/provider, class
25 group/size, teacher-child ratio, length of day in
26 the program, and teacher-child racial/linguistic

1 match.

2 (v) Whether the program has access to an infant
3 and early childhood mental health consultant and
4 usage of the consultant, including the number and
5 hours of consultant contact with program leaders,
6 staff, and families.

7 (b) (Blank).

8 (Source: P.A. 95-724, eff. 6-30-08; 96-119, eff. 8-4-09;
9 96-944, eff. 6-25-10; 96-948, eff. 6-25-10.)

10 (105 ILCS 5/2-3.71a) (from Ch. 122, par. 2-3.71a)

11 Sec. 2-3.71a. Grants for early childhood parental training
12 programs. The State Board of Education shall implement and
13 administer a grant program consisting of grants to public
14 school districts and other eligible entities, as defined by the
15 State Board of Education, to conduct early childhood parental
16 training programs for the parents of children in the period of
17 life from birth to kindergarten. A public school district that
18 receives grants under this Section may contract with other
19 eligible entities to conduct an early childhood parental
20 training program. These grants must be used to supplement, not
21 supplant, funds received from any other source. A school board
22 or other eligible entity shall employ appropriately qualified
23 personnel for its early childhood parental training program,
24 including but not limited to certified teachers, counselors,
25 psychiatrists, psychologists and social workers.

1 (a) As used in this Section, "parental training" means and
2 includes instruction in the following:

3 (1) Child growth and development, including prenatal
4 development.

5 (2) Childbirth and child care.

6 (3) Family structure, function and management.

7 (4) Prenatal and postnatal care for mothers and
8 infants.

9 (5) Prevention of child abuse.

10 (6) The physical, mental, emotional, social, economic
11 and psychological aspects of interpersonal and family
12 relationships.

13 (7) Parenting skill development.

14 The programs shall include activities that require
15 substantial participation and interaction between parent and
16 child.

17 (b) The Board shall annually award funds through a grant
18 approval process established by the State Board of Education,
19 providing that an annual appropriation is made for this purpose
20 from State, federal or private funds. Nothing in this Section
21 shall preclude school districts from applying for or accepting
22 private funds to establish and implement programs.

23 (c) The State Board of Education shall assist those
24 districts and other eligible entities offering early childhood
25 parental training programs, upon request, in developing
26 instructional materials, training teachers and staff, and

1 establishing appropriate time allotments for each of the areas
2 included in such instruction.

3 (d) School districts and other eligible entities may offer
4 early childhood parental training courses during that period of
5 the day which is not part of the regular school day. Residents
6 of the community may enroll in such courses. The school board
7 or other eligible entity may establish fees and collect such
8 charges as may be necessary for attendance at such courses in
9 an amount not to exceed the per capita cost of the operation
10 thereof, except that the board or other eligible entity may
11 waive all or part of such charges if it determines that the
12 parent is indigent or that the educational needs of the parent
13 require his or her attendance at such courses.

14 (e) Parents who participate in early childhood parental
15 training programs under this Section may be eligible for
16 reasonable reimbursement of any incidental transportation and
17 child care expenses from the school district receiving funds
18 pursuant to this Section.

19 (f) Districts and other eligible entities receiving grants
20 pursuant to this Section shall coordinate programs created
21 under this Section with other preschool educational programs,
22 including "at-risk" preschool programs, special and vocational
23 education, and related services provided by other governmental
24 agencies and not-for-profit agencies.

25 (g) The State Board of Education shall report to the
26 General Assembly by July 1, 1991, on the results of the

1 programs funded pursuant to this Section and whether a need
2 continues for such programs.

3 (h) After July 1, 2006, any parental training services
4 funded pursuant to this Section on the effective date of this
5 amendatory Act of the 94th General Assembly shall continue to
6 be funded pursuant to this Section, subject to appropriation
7 and the meeting of program standards. Any additional parental
8 training services must be funded, subject to appropriation,
9 through preschool education grants pursuant to subdivision (4)
10 of subsection (a) of Section 2-3.71 of this Code for families
11 with children ages 3 to 5 and through prevention initiative
12 grants pursuant to subsection (b) of Section 2-3.89 of this
13 Code for expecting families and those with children from birth
14 to 3 years of age.

15 (i) Grantees under this Section are subject to the
16 requirements under paragraph (7) of subsection (a) of Section
17 2-3.71 of this Code.

18 (Source: P.A. 94-506, eff. 8-8-05.)

19 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

20 (Text of Section before amendment by P.A. 99-456)

21 Sec. 10-22.6. Suspension or expulsion of pupils; school
22 searches.

23 (a) To expel pupils guilty of gross disobedience or
24 misconduct, including gross disobedience or misconduct
25 perpetuated by electronic means, and no action shall lie

1 against them for such expulsion. Expulsion shall take place
2 only after the parents have been requested to appear at a
3 meeting of the board, or with a hearing officer appointed by
4 it, to discuss their child's behavior. Such request shall be
5 made by registered or certified mail and shall state the time,
6 place and purpose of the meeting. The board, or a hearing
7 officer appointed by it, at such meeting shall state the
8 reasons for dismissal and the date on which the expulsion is to
9 become effective. If a hearing officer is appointed by the
10 board he shall report to the board a written summary of the
11 evidence heard at the meeting and the board may take such
12 action thereon as it finds appropriate. An expelled pupil may
13 be immediately transferred to an alternative program in the
14 manner provided in Article 13A or 13B of this Code. A pupil
15 must not be denied transfer because of the expulsion, except in
16 cases in which such transfer is deemed to cause a threat to the
17 safety of students or staff in the alternative program.

18 (b) To suspend or by policy to authorize the superintendent
19 of the district or the principal, assistant principal, or dean
20 of students of any school to suspend pupils guilty of gross
21 disobedience or misconduct, or to suspend pupils guilty of
22 gross disobedience or misconduct on the school bus from riding
23 the school bus, and no action shall lie against them for such
24 suspension. The board may by policy authorize the
25 superintendent of the district or the principal, assistant
26 principal, or dean of students of any school to suspend pupils

1 guilty of such acts for a period not to exceed 10 school days.
2 If a pupil is suspended due to gross disobedience or misconduct
3 on a school bus, the board may suspend the pupil in excess of
4 10 school days for safety reasons. Any suspension shall be
5 reported immediately to the parents or guardian of such pupil
6 along with a full statement of the reasons for such suspension
7 and a notice of their right to a review. The school board must
8 be given a summary of the notice, including the reason for the
9 suspension and the suspension length. Upon request of the
10 parents or guardian the school board or a hearing officer
11 appointed by it shall review such action of the superintendent
12 or principal, assistant principal, or dean of students. At such
13 review the parents or guardian of the pupil may appear and
14 discuss the suspension with the board or its hearing officer.
15 If a hearing officer is appointed by the board he shall report
16 to the board a written summary of the evidence heard at the
17 meeting. After its hearing or upon receipt of the written
18 report of its hearing officer, the board may take such action
19 as it finds appropriate. A pupil who is suspended in excess of
20 20 school days may be immediately transferred to an alternative
21 program in the manner provided in Article 13A or 13B of this
22 Code. A pupil must not be denied transfer because of the
23 suspension, except in cases in which such transfer is deemed to
24 cause a threat to the safety of students or staff in the
25 alternative program.

26 (c) The Department of Human Services shall be invited to

1 send a representative to consult with the board at such meeting
2 whenever there is evidence that mental illness may be the cause
3 for expulsion or suspension.

4 (d) The board may expel a student for a definite period of
5 time not to exceed 2 calendar years, as determined on a case by
6 case basis. A student who is determined to have brought one of
7 the following objects to school, any school-sponsored activity
8 or event, or any activity or event that bears a reasonable
9 relationship to school shall be expelled for a period of not
10 less than one year:

11 (1) A firearm. For the purposes of this Section,
12 "firearm" means any gun, rifle, shotgun, weapon as defined
13 by Section 921 of Title 18 of the United States Code,
14 firearm as defined in Section 1.1 of the Firearm Owners
15 Identification Card Act, or firearm as defined in Section
16 24-1 of the Criminal Code of 2012. The expulsion period
17 under this subdivision (1) may be modified by the
18 superintendent, and the superintendent's determination may
19 be modified by the board on a case-by-case basis.

20 (2) A knife, brass knuckles or other knuckle weapon
21 regardless of its composition, a billy club, or any other
22 object if used or attempted to be used to cause bodily
23 harm, including "look alike" of any firearm as defined in
24 subdivision (1) of this subsection (d). The expulsion
25 requirement under this subdivision (2) may be modified by
26 the superintendent, and the superintendent's determination

1 may be modified by the board on a case-by-case basis.
2 Expulsion or suspension shall be construed in a manner
3 consistent with the Federal Individuals with Disabilities
4 Education Act. A student who is subject to suspension or
5 expulsion as provided in this Section may be eligible for a
6 transfer to an alternative school program in accordance with
7 Article 13A of the School Code. The provisions of this
8 subsection (d) apply in all school districts, including special
9 charter districts and districts organized under Article 34.

10 (d-5) The board may suspend or by regulation authorize the
11 superintendent of the district or the principal, assistant
12 principal, or dean of students of any school to suspend a
13 student for a period not to exceed 10 school days or may expel
14 a student for a definite period of time not to exceed 2
15 calendar years, as determined on a case by case basis, if (i)
16 that student has been determined to have made an explicit
17 threat on an Internet website against a school employee, a
18 student, or any school-related personnel, (ii) the Internet
19 website through which the threat was made is a site that was
20 accessible within the school at the time the threat was made or
21 was available to third parties who worked or studied within the
22 school grounds at the time the threat was made, and (iii) the
23 threat could be reasonably interpreted as threatening to the
24 safety and security of the threatened individual because of his
25 or her duties or employment status or status as a student
26 inside the school. The provisions of this subsection (d-5)

1 apply in all school districts, including special charter
2 districts and districts organized under Article 34 of this
3 Code.

4 (e) To maintain order and security in the schools, school
5 authorities may inspect and search places and areas such as
6 lockers, desks, parking lots, and other school property and
7 equipment owned or controlled by the school, as well as
8 personal effects left in those places and areas by students,
9 without notice to or the consent of the student, and without a
10 search warrant. As a matter of public policy, the General
11 Assembly finds that students have no reasonable expectation of
12 privacy in these places and areas or in their personal effects
13 left in these places and areas. School authorities may request
14 the assistance of law enforcement officials for the purpose of
15 conducting inspections and searches of lockers, desks, parking
16 lots, and other school property and equipment owned or
17 controlled by the school for illegal drugs, weapons, or other
18 illegal or dangerous substances or materials, including
19 searches conducted through the use of specially trained dogs.
20 If a search conducted in accordance with this Section produces
21 evidence that the student has violated or is violating either
22 the law, local ordinance, or the school's policies or rules,
23 such evidence may be seized by school authorities, and
24 disciplinary action may be taken. School authorities may also
25 turn over such evidence to law enforcement authorities. The
26 provisions of this subsection (e) apply in all school

1 districts, including special charter districts and districts
2 organized under Article 34.

3 (f) Suspension or expulsion may include suspension or
4 expulsion from school and all school activities and a
5 prohibition from being present on school grounds.

6 (g) A school district may adopt a policy providing that if
7 a student is suspended or expelled for any reason from any
8 public or private school in this or any other state, the
9 student must complete the entire term of the suspension or
10 expulsion in an alternative school program under Article 13A of
11 this Code or an alternative learning opportunities program
12 under Article 13B of this Code before being admitted into the
13 school district if there is no threat to the safety of students
14 or staff in the alternative program. This subsection (g)
15 applies to all school districts, including special charter
16 districts and districts organized under Article 34 of this
17 Code.

18 (k) The expulsion or suspension of children enrolled in
19 preschool programs is subject to the requirements under
20 paragraph (7) of subsection (a) of Section 2-3.71 of this Code.

21 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
22 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; 97-813, eff. 7-13-12;
23 97-1150, eff. 1-25-13.)

24 (Text of Section after amendment by P.A. 99-456)

25 Sec. 10-22.6. Suspension or expulsion of pupils; school

1 searches.

2 (a) To expel pupils guilty of gross disobedience or
3 misconduct, including gross disobedience or misconduct
4 perpetuated by electronic means, pursuant to subsection (b-20)
5 of this Section, and no action shall lie against them for such
6 expulsion. Expulsion shall take place only after the parents
7 have been requested to appear at a meeting of the board, or
8 with a hearing officer appointed by it, to discuss their
9 child's behavior. Such request shall be made by registered or
10 certified mail and shall state the time, place and purpose of
11 the meeting. The board, or a hearing officer appointed by it,
12 at such meeting shall state the reasons for dismissal and the
13 date on which the expulsion is to become effective. If a
14 hearing officer is appointed by the board he shall report to
15 the board a written summary of the evidence heard at the
16 meeting and the board may take such action thereon as it finds
17 appropriate. If the board acts to expel a pupil, the written
18 expulsion decision shall detail the specific reasons why
19 removing the pupil from the learning environment is in the best
20 interest of the school. The expulsion decision shall also
21 include a rationale as to the specific duration of the
22 expulsion. An expelled pupil may be immediately transferred to
23 an alternative program in the manner provided in Article 13A or
24 13B of this Code. A pupil must not be denied transfer because
25 of the expulsion, except in cases in which such transfer is
26 deemed to cause a threat to the safety of students or staff in

1 the alternative program.

2 (b) To suspend or by policy to authorize the superintendent
3 of the district or the principal, assistant principal, or dean
4 of students of any school to suspend pupils guilty of gross
5 disobedience or misconduct, or to suspend pupils guilty of
6 gross disobedience or misconduct on the school bus from riding
7 the school bus, pursuant to subsections (b-15) and (b-20) of
8 this Section, and no action shall lie against them for such
9 suspension. The board may by policy authorize the
10 superintendent of the district or the principal, assistant
11 principal, or dean of students of any school to suspend pupils
12 guilty of such acts for a period not to exceed 10 school days.
13 If a pupil is suspended due to gross disobedience or misconduct
14 on a school bus, the board may suspend the pupil in excess of
15 10 school days for safety reasons.

16 Any suspension shall be reported immediately to the
17 parents or guardian of a pupil along with a full statement of
18 the reasons for such suspension and a notice of their right to
19 a review. The school board must be given a summary of the
20 notice, including the reason for the suspension and the
21 suspension length. Upon request of the parents or guardian the
22 school board or a hearing officer appointed by it shall review
23 such action of the superintendent or principal, assistant
24 principal, or dean of students. At such review the parents or
25 guardian of the pupil may appear and discuss the suspension
26 with the board or its hearing officer. If a hearing officer is

1 appointed by the board he shall report to the board a written
2 summary of the evidence heard at the meeting. After its hearing
3 or upon receipt of the written report of its hearing officer,
4 the board may take such action as it finds appropriate. If a
5 student is suspended pursuant to this subsection (b), the board
6 shall, in the written suspension decision, detail the specific
7 act of gross disobedience or misconduct resulting in the
8 decision to suspend. The suspension decision shall also include
9 a rationale as to the specific duration of the suspension. A
10 pupil who is suspended in excess of 20 school days may be
11 immediately transferred to an alternative program in the manner
12 provided in Article 13A or 13B of this Code. A pupil must not
13 be denied transfer because of the suspension, except in cases
14 in which such transfer is deemed to cause a threat to the
15 safety of students or staff in the alternative program.

16 (b-5) Among the many possible disciplinary interventions
17 and consequences available to school officials, school
18 exclusions, such as out-of-school suspensions and expulsions,
19 are the most serious. School officials shall limit the number
20 and duration of expulsions and suspensions to the greatest
21 extent practicable, and it is recommended that they use them
22 only for legitimate educational purposes. To ensure that
23 students are not excluded from school unnecessarily, it is
24 recommended that school officials consider forms of
25 non-exclusionary discipline prior to using out-of-school
26 suspensions or expulsions.

1 (b-10) Unless otherwise required by federal law or this
2 Code, school boards may not institute zero-tolerance policies
3 by which school administrators are required to suspend or expel
4 students for particular behaviors.

5 (b-15) Out-of-school suspensions of 3 days or less may be
6 used only if the student's continuing presence in school would
7 pose a threat to school safety or a disruption to other
8 students' learning opportunities. For purposes of this
9 subsection (b-15), "threat to school safety or a disruption to
10 other students' learning opportunities" shall be determined on
11 a case-by-case basis by the school board or its designee.
12 School officials shall make all reasonable efforts to resolve
13 such threats, address such disruptions, and minimize the length
14 of suspensions to the greatest extent practicable.

15 (b-20) Unless otherwise required by this Code,
16 out-of-school suspensions of longer than 3 days, expulsions,
17 and disciplinary removals to alternative schools may be used
18 only if other appropriate and available behavioral and
19 disciplinary interventions have been exhausted and the
20 student's continuing presence in school would either (i) pose a
21 threat to the safety of other students, staff, or members of
22 the school community or (ii) substantially disrupt, impede, or
23 interfere with the operation of the school. For purposes of
24 this subsection (b-20), "threat to the safety of other
25 students, staff, or members of the school community" and
26 "substantially disrupt, impede, or interfere with the

1 operation of the school" shall be determined on a case-by-case
2 basis by school officials. For purposes of this subsection
3 (b-20), the determination of whether "appropriate and
4 available behavioral and disciplinary interventions have been
5 exhausted" shall be made by school officials. School officials
6 shall make all reasonable efforts to resolve such threats,
7 address such disruptions, and minimize the length of student
8 exclusions to the greatest extent practicable. Within the
9 suspension decision described in subsection (b) of this Section
10 or the expulsion decision described in subsection (a) of this
11 Section, it shall be documented whether other interventions
12 were attempted or whether it was determined that there were no
13 other appropriate and available interventions.

14 (b-25) Students who are suspended out-of-school for longer
15 than 4 school days shall be provided appropriate and available
16 support services during the period of their suspension. For
17 purposes of this subsection (b-25), "appropriate and available
18 support services" shall be determined by school authorities.
19 Within the suspension decision described in subsection (b) of
20 this Section, it shall be documented whether such services are
21 to be provided or whether it was determined that there are no
22 such appropriate and available services.

23 A school district may refer students who are expelled to
24 appropriate and available support services.

25 A school district shall create a policy to facilitate the
26 re-engagement of students who are suspended out-of-school,

1 expelled, or returning from an alternative school setting.

2 (b-30) A school district shall create a policy by which
3 suspended pupils, including those pupils suspended from the
4 school bus who do not have alternate transportation to school,
5 shall have the opportunity to make up work for equivalent
6 academic credit. It shall be the responsibility of a pupil's
7 parent or guardian to notify school officials that a pupil
8 suspended from the school bus does not have alternate
9 transportation to school.

10 (c) The Department of Human Services shall be invited to
11 send a representative to consult with the board at such meeting
12 whenever there is evidence that mental illness may be the cause
13 for expulsion or suspension.

14 (c-5) School districts shall make reasonable efforts to
15 provide ongoing professional development to teachers,
16 administrators, school board members, school resource
17 officers, and staff on the adverse consequences of school
18 exclusion and justice-system involvement, effective classroom
19 management strategies, culturally responsive discipline, and
20 developmentally appropriate disciplinary methods that promote
21 positive and healthy school climates.

22 (d) The board may expel a student for a definite period of
23 time not to exceed 2 calendar years, as determined on a case by
24 case basis. A student who is determined to have brought one of
25 the following objects to school, any school-sponsored activity
26 or event, or any activity or event that bears a reasonable

1 relationship to school shall be expelled for a period of not
2 less than one year:

3 (1) A firearm. For the purposes of this Section,
4 "firearm" means any gun, rifle, shotgun, weapon as defined
5 by Section 921 of Title 18 of the United States Code,
6 firearm as defined in Section 1.1 of the Firearm Owners
7 Identification Card Act, or firearm as defined in Section
8 24-1 of the Criminal Code of 2012. The expulsion period
9 under this subdivision (1) may be modified by the
10 superintendent, and the superintendent's determination may
11 be modified by the board on a case-by-case basis.

12 (2) A knife, brass knuckles or other knuckle weapon
13 regardless of its composition, a billy club, or any other
14 object if used or attempted to be used to cause bodily
15 harm, including "look alike" of any firearm as defined in
16 subdivision (1) of this subsection (d). The expulsion
17 requirement under this subdivision (2) may be modified by
18 the superintendent, and the superintendent's determination
19 may be modified by the board on a case-by-case basis.

20 Expulsion or suspension shall be construed in a manner
21 consistent with the Federal Individuals with Disabilities
22 Education Act. A student who is subject to suspension or
23 expulsion as provided in this Section may be eligible for a
24 transfer to an alternative school program in accordance with
25 Article 13A of the School Code.

26 (d-5) The board may suspend or by regulation authorize the

1 superintendent of the district or the principal, assistant
2 principal, or dean of students of any school to suspend a
3 student for a period not to exceed 10 school days or may expel
4 a student for a definite period of time not to exceed 2
5 calendar years, as determined on a case by case basis, if (i)
6 that student has been determined to have made an explicit
7 threat on an Internet website against a school employee, a
8 student, or any school-related personnel, (ii) the Internet
9 website through which the threat was made is a site that was
10 accessible within the school at the time the threat was made or
11 was available to third parties who worked or studied within the
12 school grounds at the time the threat was made, and (iii) the
13 threat could be reasonably interpreted as threatening to the
14 safety and security of the threatened individual because of his
15 or her duties or employment status or status as a student
16 inside the school.

17 (e) To maintain order and security in the schools, school
18 authorities may inspect and search places and areas such as
19 lockers, desks, parking lots, and other school property and
20 equipment owned or controlled by the school, as well as
21 personal effects left in those places and areas by students,
22 without notice to or the consent of the student, and without a
23 search warrant. As a matter of public policy, the General
24 Assembly finds that students have no reasonable expectation of
25 privacy in these places and areas or in their personal effects
26 left in these places and areas. School authorities may request

1 the assistance of law enforcement officials for the purpose of
2 conducting inspections and searches of lockers, desks, parking
3 lots, and other school property and equipment owned or
4 controlled by the school for illegal drugs, weapons, or other
5 illegal or dangerous substances or materials, including
6 searches conducted through the use of specially trained dogs.
7 If a search conducted in accordance with this Section produces
8 evidence that the student has violated or is violating either
9 the law, local ordinance, or the school's policies or rules,
10 such evidence may be seized by school authorities, and
11 disciplinary action may be taken. School authorities may also
12 turn over such evidence to law enforcement authorities.

13 (f) Suspension or expulsion may include suspension or
14 expulsion from school and all school activities and a
15 prohibition from being present on school grounds.

16 (g) A school district may adopt a policy providing that if
17 a student is suspended or expelled for any reason from any
18 public or private school in this or any other state, the
19 student must complete the entire term of the suspension or
20 expulsion in an alternative school program under Article 13A of
21 this Code or an alternative learning opportunities program
22 under Article 13B of this Code before being admitted into the
23 school district if there is no threat to the safety of students
24 or staff in the alternative program.

25 (h) School officials shall not advise or encourage students
26 to drop out voluntarily due to behavioral or academic

1 difficulties.

2 (i) A student may not be issued a monetary fine or fee as a
3 disciplinary consequence, though this shall not preclude
4 requiring a student to provide restitution for lost, stolen, or
5 damaged property.

6 (j) Subsections (a) through (i) of this Section shall apply
7 to elementary and secondary schools, charter schools, special
8 charter districts, and school districts organized under
9 Article 34 of this Code.

10 (k) The expulsion or suspension of children enrolled in
11 preschool programs is subject to the requirements under
12 paragraph (7) of subsection (a) of Section 2-3.71 of this Code.
13 (Source: P.A. 99-456, eff. 9-15-16.)

14 Section 10. The Illinois Public Aid Code is amended by
15 adding Section 9A-11.10 as follows:

16 (305 ILCS 5/9A-11.10 new)

17 Sec. 9A-11.10. Child care limitation on expulsions and
18 suspensions. Consistent with the purposes of this amendatory
19 Act of the 99th General Assembly, any child care provider
20 receiving funds from the child care assistance program under
21 this Code is subject to the requirements under paragraph (7) of
22 subsection (a) of Section 2-3.71 of the School Code when taking
23 actions due to a child's persistent and serious challenging
24 behaviors.

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act."